

PLANNING COMMISSION REPORT



MEETING DATE: September 28, 2005 ITEM NO. _____ GOAL: Coordinate Planning to Balance Infrastructure

SUBJECT

Drinx - 9-UP-2005

REQUEST

Request a conditional use permit for a bar within an existing 3400 +/- square foot building located at 7330 E Stetson Drive with Central Business District/Parking District, Downtown Overlay (C-2/P-3/P-2/DO) zoning.

Key Items for Consideration:

- Use is within the cities defined "Entertainment District"
- Parking requirements are fulfilled through Remote Parking Agreements
- Scottsdale Police Department has reviewed and approved the Security and Maintenance Plan

Related Cases, References:

52-LL-2003, 20-LL-2005, 25-DR-2002, and 9-UP-2005 (Downtown General Plan)

OWNER

Steve Springborn
602-980-2885

APPLICANT CONTACT

John Berry
Berry & Damore, LLC
480-385-2727

LOCATION

7330 E Stetson Drive

BACKGROUND

Zoning.

The site is zoned Central Business District, Parking District, and Downtown Overlay (C-2/P-2/P-3/DO). This zoning district allows for a bar with the approval of a Bar Use Permit by the City Council.

Context.

This property is located at the northwest corner of Stetson Drive and Wells Fargo Avenue.

Adjacent Uses:

- North: Galleria Parking Structure zoned Downtown Regional Commercial Office Type 2, Plan Block Development Downtown Overlay (D/RCO-2, PBD, DO).
- South: Personal Services and Office Buildings zoned Central Business District, Parking District, and Downtown Overlay (C-2/P-2/P-3/DO).
- East: Wells Fargo Avenue and a Medical Office Building zoned Highway Commercial District, Downtown Overlay (C-3, DO)



- West: Office Building zoned Central Business District, Parking District, and Downtown Overlay (C-2/P-2/P-3/DO).

The business is within the cities defined “Entertainment District”. The surrounding properties are a mix of commercial, retail, and office land uses, generally zoned either Downtown, type 2 or a mix of underlying commercial zoning with Downtown Overlay.

APPLICANT’S PROPOSAL

Goal/Purpose of Request.

The subject establishment has been operating as a restaurant since it opened in 2003. The applicant approached the City in early 2005 and indicated that they wanted to be defined as a bar, and not be required to sell at least 40% of the total gross sales in food. This change in use, from restaurant to a bar necessitated the need for a conditional use permit, therefore the applicant requests approval of a bar use permit with this application. There are no physical changes being made to the site (See Attachment # 9).

Development information.

- | | |
|---------------------------------|-----------------------------------|
| • <i>Existing Use:</i> | Restaurant |
| • <i>Proposed Use:</i> | Bar |
| • <i>Buildings/Description:</i> | Existing building with restaurant |
| • <i>Parcel Size:</i> | 2,800 square feet |
| • <i>Indoor Floor Area:</i> | 2,800 square feet |
| • <i>Outdoor Patios/Decks:</i> | 1,787 square feet |
| • <i>Parking Required:</i> | 44 spaces |
| • <i>Parking Provided:</i> | 48.78 spaces |

IMPACT ANALYSIS

Traffic.

This building and restaurant use in it has been in existence since 2003. The street traffic in the area is predominantly generated by personal services, commercial, restaurant, and office traffic during the day, and by entertainment uses during the evening. The peak traffic flow for a bar use occurs in the evening, when the surrounding commercial and office establishments are closed.

Parking.

Within the Zoning Ordinance, with the 2,800 square feet being considered indoor gross floor area for a bar, the total parking demand is 35 parking spaces. The 1,787 square feet of outdoor patio and deck space would require an additional 8.9 parking spaces. Therefore, the total requirement for the entire site would be 44 parking spaces.

Under the Parking P-3 District zoning of the property, the site receives 6.78 parking credits. The applicant has entered into remote parking agreements with five surrounding property owners for 42 parking spaces. The addresses include: 4335 & 4325 Wells Fargo, 7381/7385 Sixth Avenue, 7329/7335 Sixth Avenue, and 7375 Stetson Drive.

Water/Sewer.

The building exists and will not need any additional water or sewer facilities as a result of this request.

Police.

The Scottsdale Police Department has reviewed and approved the applicant's Security and Maintenance Plan. (See Attachment #8). Adherence to the proposed Security and Maintenance Plan will ensure proper safety for the patrons and surrounding environment.

Use Permit Criteria:

Conditional use permits, which may be revocable, conditional, or valid for a specified time period, may be granted only when expressly permitted after the Planning Commission has made a recommendation and the City Council has found as follows:

- A. That the granting of such conditional use permit will not be materially detrimental to the public health, safety or welfare. In reaching this conclusion, the Planning Commission and the City Council's consideration shall include, but not be limited to, the following factors:
 1. Damage or nuisance arising from noise, smoke, odor, dust, vibration or illumination.
 - *The proposed establishment will not cause damage or nuisance from smoke, odor, dust, vibration, or illumination. Being located on a corner with the street right-of-way on the east side and south side, the Galleria Parking structure on the north side, and an office that closes at 5 pm. to the west, noise should not affect the surrounding properties. The lights have been previously approved with the original Development Review Board approval and the applicant is not changing them.*
 2. Impact on surrounding areas resulting from an unusual volume or character of traffic.
 - *The peak traffic flow for a bar land use occurs in the evening, when the surrounding commercial and office establishments are closed. There is adequate street capacity to absorb the trips generated from the proposed bar use, therefore no significant change in the volume or character of traffic if the bar is approved.*
 3. There are no other factors associated with this project that will be materially detrimental to the public.
 - *No other detrimental factors will occur with the approval of the proposed bar use.*
- B. The characteristics of the proposed conditional use are reasonably compatible with the types of uses permitted in the surrounding areas. *The site is located within Downtown Scottsdale, which consists of a variety of daytime and nighttime uses. Specifically, the establishment is located within an area, defined by the city as the "Entertainment District", with a mix of uses including restaurants, retail, offices, personal services, and other bars. The use is reasonable compatible with*

the types of uses permitted in the surrounding area as the entire Downtown strives for a mix of uses.

- C. The additional conditions specified in Section 1.403, as applicable, have been satisfied.
1. The use shall not disrupt existing balance of daytime and nighttime uses.
This portion of the City is clustered with a mix of existing retail, office, and personal service businesses. There are also a variety of other restaurant/bars in the immediate area including Blue Agave, Outback Steakhouse, Mickey's Hangover, Gilligan's, Martini Ranch, Maloney's, Six, and DJ's.
 2. The use shall not disrupt pedestrian-oriented daytime activities.
The existing building and outdoor patio will remain in place. No changes will be made which might affect the pedestrian nature of the area.
 3. If the site is located within the downtown overlay district then:
 - a. The use shall not encourage displacement of daytime retail uses unless it can be demonstrated that the proposed use shall promote diversity of first floor uses along the street.
 - b. The required parking for the use shall be within six hundred (600) feet of the property and shall not be separated from the property by a major or minor arterial street.
The use does not discourage the displacement of daytime retail land uses. It's presence, given the current mix of retail, office, restaurant, bar, and personal services will offer an alternative land use to those already in existence. The required parking is within 600 feet of the property and is not separated from the property by a major or minor arterial street.
 4. If the use is located within five hundred (500) feet of a residential use or district then:
 - a. The use shall not adversely impact residential uses.
 - b. The use shall provide methods of buffering residential uses.
The use will not be located within 500 feet of any existing or proposed residential project. The Summerfield Suites Hotel is located approximately 450 feet south of the site. Existing buildings located along Stetson Drive and 6th Avenue buffer the proposed use from the hotel.
 5. An active management and security plan shall be created, approved, implemented, maintained, and enforced for the business.
The Scottsdale Police Department has reviewed and approved the applicant's Security and Maintenance Plan. Staff has stipulated that the business shall also have a clean-up program for the remote parking areas.
 6. The applicant shall provide, with the application for a conditional use permit, a written exterior refuse control plan which must be approved by the planning and development department staff as complying with the written guidelines of the department.

Drinx, the Galleria, and the City of Scottsdale have partnered together with a refuse enclosure plan and to clean up the entire alley behind Drinx, including all the other businesses. At the time of writing this report, plans have been submitted to the City One Stop Shop for review, but have not been approved or a permit issued.

7. The applicant shall demonstrate how noise and light generated by the use shall be mitigated.

The application is for an intensification of land use in a pre-existing building. Being located on a corner with the street right-of-way on the east side and south side, the Galleria Parking structure on the north side, and an office that closes at 5 pm. to the west, noise should not affect the surrounding properties. The issue of noise is also addressed in the applicant's Security and Maintenance Plan, which has been approved by the Scottsdale Police Department. There is no proposed change to the exterior lighting of the building or property.

8. The applicant shall demonstrate that the use shall meet required parking and shall not exceed capacity for traffic in the area.

The applicant has met the required parking for the proposed use.

9. After hours establishments must maintain a valid after hours establishment license.

The applicant is not requesting an after hours establishment permit at this time.

Community Involvement.

On May 23, 2005, the applicant sent letters describing the land use change to all property owners within 750 feet of the property. The applicant also held an open house meeting on June 3, 2005, which no one attended. Neither the applicant nor staff has received any comments from the public regarding this project at the time of drafting this report. (See Attachment #7)

STAFF
RECOMMENDATION

Recommended Approach:

Staff recommends approval subject to the attached stipulations.


RESPONSIBLE
DEPT(S)

Planning and Development Services Department
Current Planning Services

STAFF CONTACT(S)

Bill Verschuren
Senior Planner
480-312-7734
E-mail: bverschuren@ScottsdaleAZ.gov

APPROVED BY



Bill Verschuren
Report Author



Lusia Galav, AICP
Current Planning Director

ATTACHMENTS

1. Applicant's Narrative
2. Context Aerial
- 2A. Aerial Close-Up
3. Land Use Map
4. Zoning Map
5. Stipulations
6. City Notification Map
7. Citizen Participation Report
8. Security and Maintenance Plan
9. Existing Site Plan

Drinx Restaurant
7330 E. Stetson
Bar Use Permit

Project Narrative / Bar Criteria Responses

This request is for a Bar Use Permit as required by the Downtown Overlay. The subject property (the "Property") is zoned C-2/P-3 DO and is within the Entertainment District which, amongst other uses, allows Bars, Cocktail Lounges etc. The Drinx Restaurant land use has been in operation approximately 18 months and is transferring from a Series ~~6~~¹² liquor license to a Series ~~12~~⁶.

Regarding the Use Permit Criteria:

1. The use will not disrupt the balance of daytime and nighttime uses because Drinx does not open until 4:00 pm and in the evenings; Drinx operates comparably to the multitude of bars, previously approved by the City of Scottsdale, surrounding the property.
2. Pedestrian related daytime activities are unaffected, again because Drinx is not open until 4:00 pm.
3. Daytime retail is not being displaced and parking is provided within 600 feet without being intersected by a major or minor arterial street and is discussed further in the accompanying parking analysis.
4. The use is not within 500 feet of a residential use.
5. A Security and Maintenance Plan ("SMP") is attached to address this requirement.
6. The attached SMP address this requirement.
7. No external lighting other than security and electric signage, both previously approved by the City under separate permits, is proposed. The interior space is fully enclosed and prevents amplified music from emanating into the public area. Amplified music in the patio areas of the Property will be at a decibel level prescribed by the City at the property line.
8. The attached parking analysis and parking agreements address this requirement
9. No after hours operations are proposed.

Like the comparable bar uses that dominate this area of downtown Scottsdale, this request satisfies the criteria established by the City for a bar use.



Q.S.
17-45

G.I.S. ORTHOPHOTO 2003

Drinx

9-UP-2005

ATTACHMENT #2



Q.S.
17-45

G.I.S. ORTHOPHOTO 2003

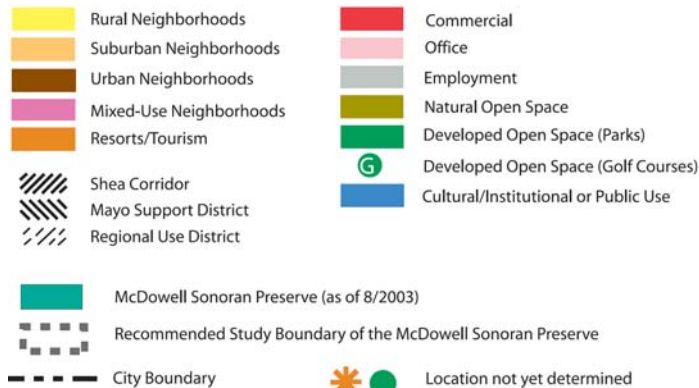
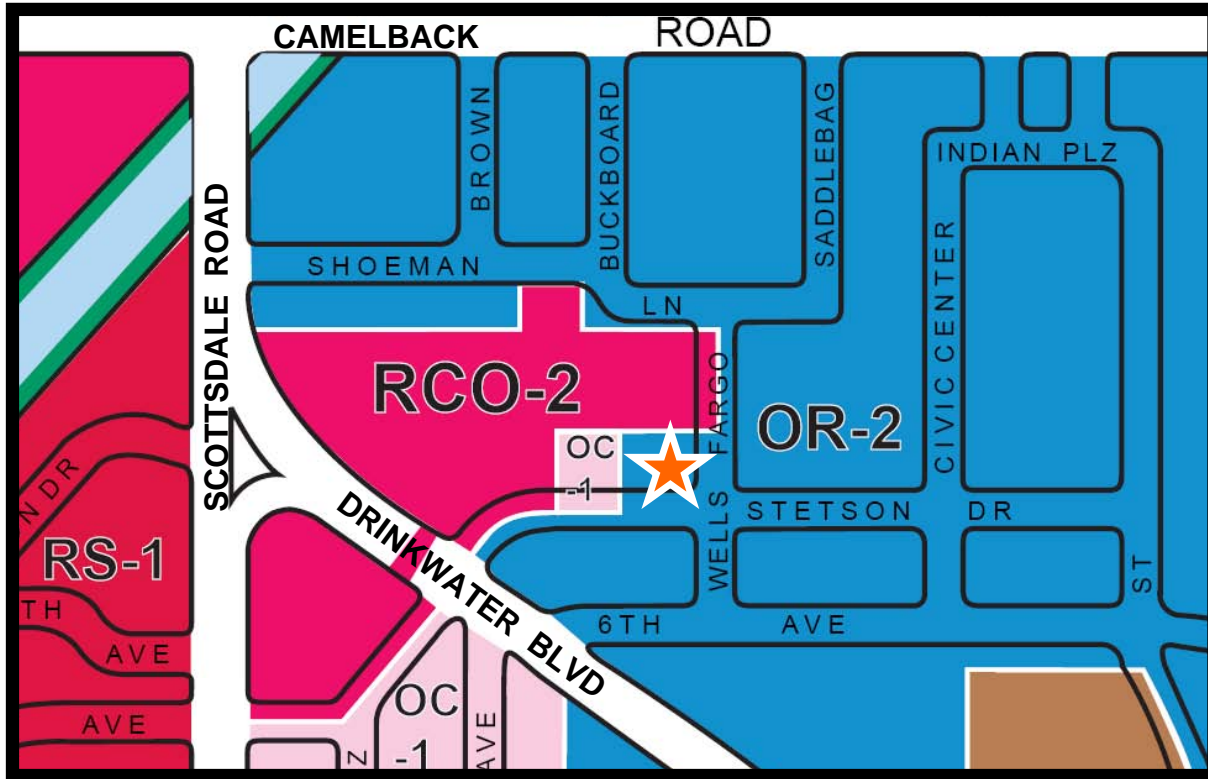


9-UP-2005

Drinx

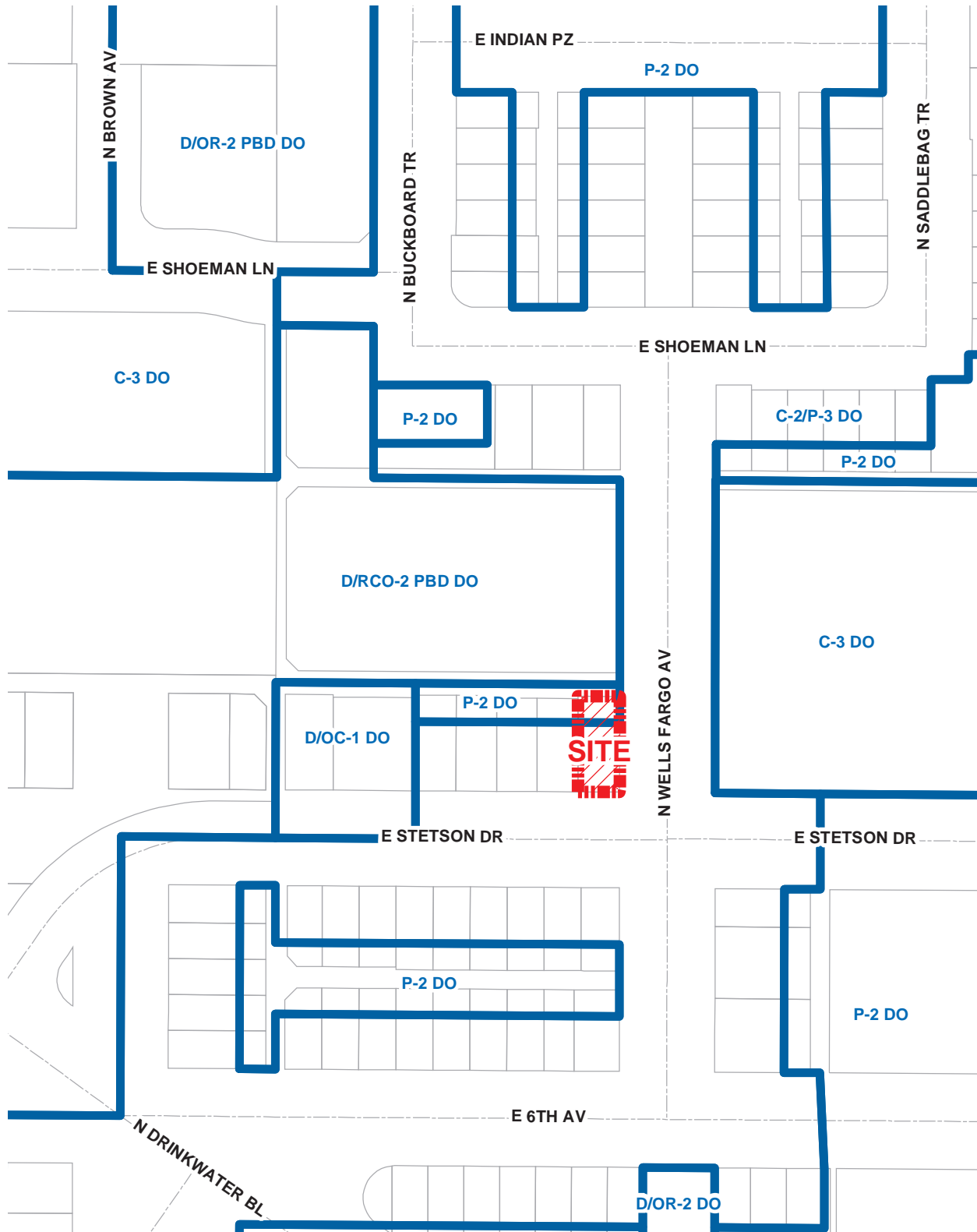
ATTACHMENT #2A

General Plan



9-UP-2005
ATTACHMENT #3

Adopted by City Council October 30, 2001
Ratified by Scottsdale voters March 12, 2002
revised to show McDowell Sonoran Preserve as of May 2004
revised to reflect General Plan amendments through June 2004



9-UP-2005

ATTACHMENT #4



STIPULATIONS FOR CASE 9-UP-2005

PLANNING/ DEVELOPMENT

1. OPERATIONS. All operations on site shall comply with the following:
 - a. The Use Permit is approved for a bar use, and hereby restricted to the floor plan dated by staff 8/13/05. Any change to this floor plan shall require an amendment to this Use Permit, or an entirely new Use Permit.
 - b. This use permit is approved for a "bar" land use **only**, and no live entertainment is approved as part of this request. Any future live entertainment request shall be subject to a separate Conditional Use Permit.
 - c. All amplified music shall not be heard, or have measurable noise, emitted past the property lines. All external doors shall remain closed but not locked during business hours.
 - d. There shall be no amplified music during times that state law prohibits the sale of liquor at this bar.
 - e. The bar operator(s) / merchant(s) shall maintain and conform to a Public Security and Maintenance Plan approved by the Scottsdale Police Department, on record with the City of Scottsdale, and shall keep a copy on site. Each year, prior to the anniversary of this use permit approval, the bar operator(s)/merchant(s) shall provide an update to the Public Security & Maintenance Plan to the Police Department and the Planning and Development Services Department. Such update shall state that the plan continues in effect as originally approved, or the update shall conform to the following: If there are any changes that modify the requirements or contents of the Public Security and Maintenance Plan, those changes shall be documented in a revised Public Security and Maintenance Plan, which shall be subject to approval by the Police Department and the Planning and Development Services Department.
 - f. The bar operator(s) / merchant(s) shall maintain and conform to a refuse and litter control plan approved by the City of Scottsdale's Planning and Development Services Department, and any other applicable departments, and keep a copy on site. The bar operator(s) / merchant(s) shall remove and dispose of litter and debris daily, to the satisfaction of City staff. They shall also remove and dispose of all litter and debris daily on all of the leased "Remote Parking" spaces.
 - g. All alcoholic beverages sold in conjunction with the on-premise-licensed establishment must be consumed entirely on the premises prior to closing time. None shall be sold as take-out. Consumption of alcoholic beverages is prohibited in the establishment's parking area or any adjoining non-approved seating areas. The bar operator(s)/merchant(s) shall post and maintain signs both inside and outside the licensed premises indicating that law prohibits drinking outside the licensed premises, to the satisfaction of city staff.
 - h. The hours of operation shall be 4 PM to 2:00 AM, seven days a week.
 - i. Exterior lighting in the parking area shall be kept at a level so as to provide adequate lighting for patrons while not unreasonably disturbing surrounding commercial areas, to the satisfaction of city staff.
2. ADMINISTRATIVE/PROCESS. The bar operator(s)/merchant(s) shall comply with the following:
 - j. The bar operator(s)/merchant(s) will prominently display these Conditions of Approval in a location within the businesses' customer area that is acceptable to the City Manager or designee.

k. In addition to requirements for use permit amendments in the Scottsdale Revised Code, the bar operator(s)/ merchants shall apply for an amendment of this Conditional Use Permit when:

- o The establishment proposes to change its type of liquor license.
- o The establishment proposes to modify any of its current Conditions of Approval.
- o There is a substantial change in the mode or character of operations of the establishment.

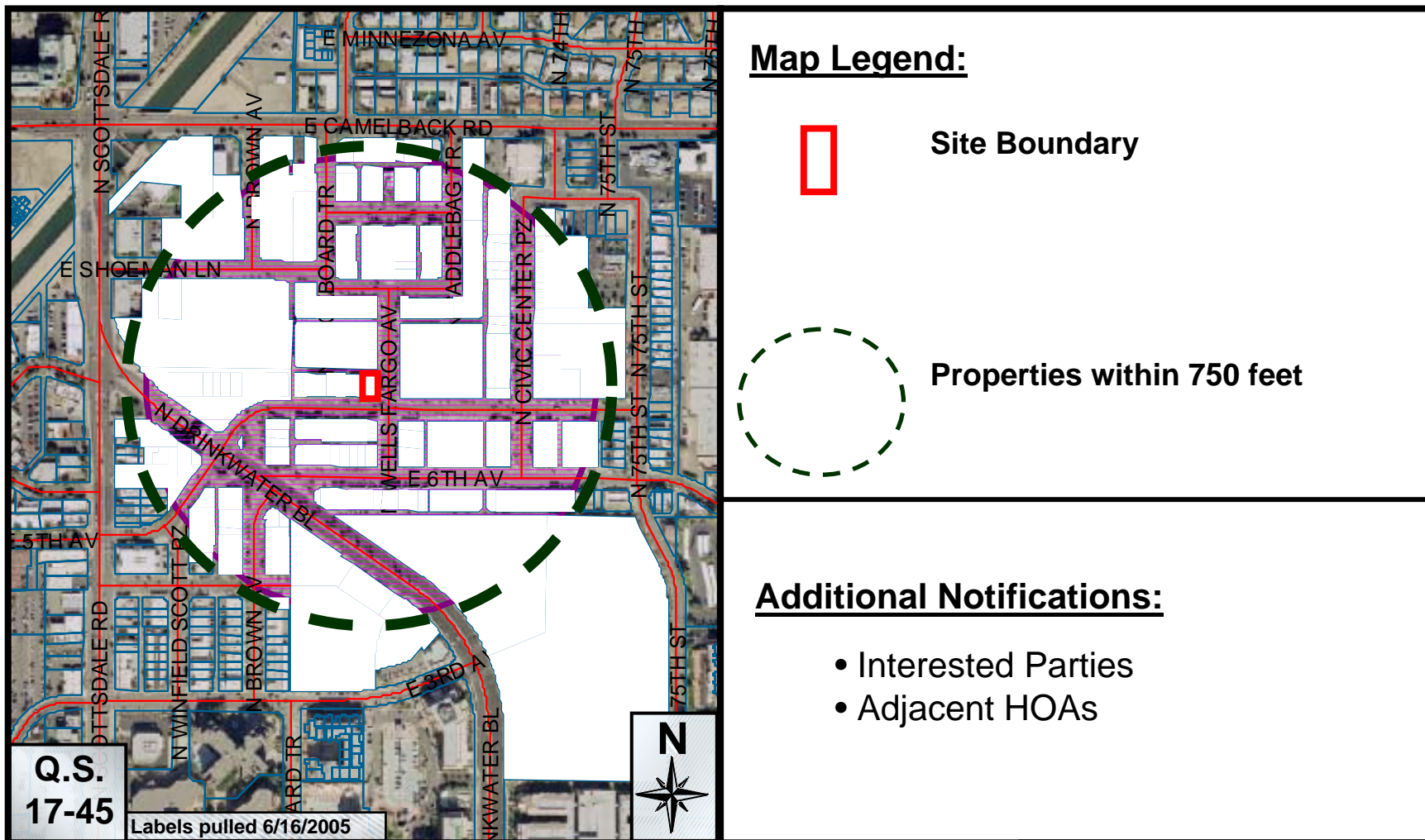
l. This Conditional Use Permit shall become null and void unless exercised within one (1) year of the date of final approval, or such extension of time as may be granted by the City Council pursuant to a written request for extension submitted to the Planning Department a minimum of ninety (90) days prior to such expiration date.

m. This Conditional Use Permit shall not become valid until such time as the applicant can demonstrate to the City of Scottsdale that the parking requirements associated with the intensification of land use from restaurant to bar have been fulfilled. This demonstration shall occur within 6 months of approval. Failure to fulfill the requisite parking requirements after 6 months shall automatically terminate this approval. Should this occur, the applicant will be required to submit a new Conditional Use Permit request, subject to the Zoning Ordinance of the City of Scottsdale.

n. This Conditional Use Permit shall become null and void if the "bar" land use is abandoned for more than one (1) year after beginning operation. If the use is abandoned beyond this one (1) year timeframe, a new Conditional Use Permit shall be required to operate a "bar" land use at the subject property.

o. There shall be a mandatory one year review period, after which the subject applicant shall apply for an indefinite extension of their Conditional Use Permit. This process will involve full public hearings through the normal Use Permit application process, including the payment of applicable fees, and public hearings before both the Planning Commission and City Council. The City shall review the establishment's activities over the course of the one year review period, and shall approve or deny the continued use of the property as a "bar" at that time.

City Notifications – Mailing List Selection Map



Drinx

9-UP-2005

ATTACHMENT #6

DRINX
9-UP-2005

**Attachment #7 CITIZEN PARTICIPATION
REPORT**

The above attachment is on file at the City of
Scottsdale Current Planning office,
7447 E Indian School Road, Suite 105.

Security and Maintenance Plan

9/8/05
DATE

TOM HENNY
SPD
INITIALS

I. Purpose

1. DrinX provides for security needs for its patron and the passing citizens and visitors through its management team and their staff representatives. During peak times, a doorman is staged at both the front and side doors to provide controlled entrance and exiting. The building has been designed with three exits exceeding the fire code requirements for this occupancy. Additionally, a third doorman may be present and roving the floor to help police trash and maintain a safe and clean environment. As this establishment expands to the second floor patio, this staffing will increase as needed to help ensure the safe environment. The management team is also available to rove the floor and help maintain a safe and clean environment. Our personnel regularly patrol the immediate neighborhood to clean up any trash from all area patrons. This helps maintain a cleaner environment for the neighborhood. In regards to protecting property values, the managing members of this organization also own this property and take a very serious approach to protecting the neighborhood and property values.

II. Plan of Operation: Program Plan and Hours

1. Permittee: Scottsdale Entertainment Group, L.L.C. dba DrinX
2. Managing Agents: Steven A. Springborn
Scottsdale Entertainment Group, L.L.C.
Managing Member
7330 East Stetson Drive
Scottsdale, Arizona 85251
602-980-2885
480-945-3976
3. Business Owners: Same as Above
4. Property Owner: Scottsdale Gas Lamp District Investments, L.L.C.
Steven A. Springborn
Managing Member
7330 East Stetson Drive
Scottsdale, Arizona 85251
602-980-2885
480-945-3976

5. Hours of Operations:

Day	Peak/Non	Open	Liq. Beg	Liq. End	Close
Mon	Non	4 pm	4 pm	2 am	2 am
Tue	Non	4 pm	4 pm	2 am	2 am
Wed	Non	4 pm	4 pm	2 am	2 am
Thur	Non	4 pm	4 pm	2 am	2 am
Fri	Peak	4 pm	4 pm	2 am	2 am
Sat	Peak	4 pm	4 pm	2 am	2 am
Sun	Non	4 pm	4 pm	2 am	2 am

6. Promotional Events: Happy Hour daily from 4 to 7

Day	Special	Time	Description
Mon	Movie Night	9 to 2	Movie played with drink and food specials
Tue	Ladies Night	7 to 2	Drink and Food Specials
Wed	Karaoke	9 to 2	Bad Singing and Good DrinX
Thur	Reverse HH	11 to 2	¼ off Wine, Champaign and Entrees – ½ everything else
Fri	None	N/A	
Sat	None	N/A	
Sun	Fun Day	4 to 2	¼ off Wine, Champaign and Entrees – ½ everything else

*** DrinX is not requesting or applying for this use permit to allow "teen night" activities.

7. Program Format/Entertainment/Advertising:

- i. Program Format/Entertainment: DrinX utilizes a multimedia audio/video system for providing music and visual entertainment and terminates at closing. Any live entertainment or live music shall terminate no later than 12:55 a.m. and not begin before 8:00a.m. It is understood by DrinX that the above activities do not fall within the definition of live entertainment and that activities that do fall into live entertainment will require a separate use permit.
- ii. Advertising: DrinX advertises with America West Airlines working to bring traveling visitors to downtown Scottsdale and with Get Out magazine working to bring people from all over the east valley into downtown Scottsdale.

8. Special Events:

- i. It is understood that special events that greatly vary from the program format and current property lines must be given additional permission from the City of Scottsdale.

9. Cooperation/Complaints/Concerns:

- i. Permittee will maintain communications with establishments located adjacent to the premises, and with residents and other businesses that may be affected by patrons or operations of the Permittee. Permittee designates the following person to receive and respond to concerns or complaints from other residents or businesses:

1. Employee Name: Steven A. Springborn, 602-980-2885

- ii. Effected Businesses within 300 feet:

1. Scottsdale Galleria Corporate Center
2. Scottsdale Medical Plaza
3. RBI
4. Stetson Hair Salons

- iii. Permittee, managing agents, on-duty managers, supervisors and security personnel will cooperate closely with Scottsdale Police, officers, City of

Scottsdale Code Enforcement staff and neighbors in addressing and investigating complaints and concerns.

iv. Permittee's managing agent(s) shall meet with Scottsdale Police Department when requested by the Scottsdale Police Bike Unit Sergeant or his representative, or District Commander.

v. Site/Building Information:

1. A diagram of exterior and interior of the establishment is appended.

10. Dress Codes

i. Male Employees: Black button-up shirt with black pants and shoes.

ii. Female Employees: Red tank-top shirt with black pants or skirt and black shoes.

iii. Management: Uniform attire as above or professional attire

iv. Radio: Radio communications are used during peak hours between doorman and management.

11. Security Officer Responsibilities:

i. Doorman's responsibilities will be clearly delineated. There will be a minimum of one uniformed (wearing the above-described uniform) doormen working during peak nights whose responsibilities will be as follows:

1. One doorman will be responsible for securing proper aged entry at the front door and identifying any hazards, problems and working to maintain guest safety. Additional doormen will be utilized during heavy peak times to secure the side door and roam the floor for the identification of hazards, problems and working to maintain guest safety. Managers may also fill these roaming positions to enhance the safety and comfort of our patrons. After close, these employees will help marshal all patrons out of the establishment and encourage safe transportation to their next destination.

2. One doorman will be responsible for checking identifications at the front door. All identification must meet the minimum criteria for Arizona Revised Statutes Title 4 to allow access to the interior of the Liquor Establishment, including during the time period of After-Hours, if applicable. Additional duties will be as follows: Access Control, counting of patrons, prevention of intoxicated persons from entering DrinX. At 0230, the doorman will assist DrinX staff in removing all guests in a safe manner, then assisting the any sworn officers, when applicable, in patrolling the exterior of DrinX and nearby areas until 0300 or until all guests have left the area.

3. Doormen will be responsible for conducting roaming patrol of the exterior of DrinX in an effort to prevent criminal behavior and maintain peace.

4. Doormen will report all acts of violence to management personnel, complete a written report, log the act of violence and contact Scottsdale Police Department immediately, if necessary.

Liquor establishment management retains ultimate responsibility for the recording of the act of violence, logging of the act of violence, and reporting the act of violence.

12. Management Responsibilities

- i. Managers, assistant managers and person(s)-in-charge responsibilities will be clearly delineated.
 - 1. There will be a minimum of 1 manager available during peak nights.
 - 2. There shall be a manager on duty all hours while open for business and for one hour minutes after closing or when the last doorman is off duty, which ever comes first.
 - 3. The manager shall also be identified as the "security manager" and be responsible for insuring that a safe environment exists, for the patrons and the staff.
 - 4. The managers on duty will ensure that all employees, security staff, doormen and off-duty law enforcement officers shall be trained and knowledgeable about the contents of this Plan.

13. Uniformed Sworn Officer Responsibilities

- i. Off-duty law enforcement officer responsibilities must be clearly delineated. There will not normally be any uniformed sworn officers assigned as security due to the size of this establishment.

14. Guest Parking Plan

- i. In order to reduce criminal activity that negatively affects the nearby businesses, a well-illuminated guest parking site has been established. Patron parking areas will be well controlled for the safety of patrons, their property and that of nearby businesses.
 - 1. Scottsdale Galleria Corporate Center maintains a parking garage immediately behind DrinX and provides valet parking to accommodate a safe environment for patrons and their property.

15. Refuse Plan

- i. Citizen surveys and police calls for service both indicate that businesses in the downtown area have complained about liquor establishment's lack of responsibility in this area. Due to this belief, the following will be implemented.
 - 1. Refuse containers will be emptied within twenty-four hours of a special event.
 - 2. DrinX management will be responsible for cleaning and refuse pick-up for any refuse originating from their establishment and found with-in 300 feet of the business. All bottles, trash, and refuse found on streets, sidewalks, private property, and empty lots with the above designated areas will be placed in DrinX refuse container.

16. Safety Plan

- i. DrinX has established this safety plan which incorporates and addresses the issue of duration of security officer responsibilities, reporting acts of violence to Department of Liquor License and Controls, assistance in

police investigations, incidents of criminal trespass, and disorderly patrons.

1. Duration of Security Responsibilities: Responsibility for providing security to patrons, employees and the public will extend to at least one hour before opening and at least one hour after the end of business on Thursday, Friday, Saturday nights (Sunday mornings) or on any other day when conducting special events.
2. Reporting Acts of Violence: All reported or witnessed acts of violence inside and immediately outside of DrinX shall be reported to an on duty manager. Scottsdale Police Department will be contacted immediately upon verification of incident and an Arizona Department of Liquor License and Control (DLLC) Licensee's Report of Act of Violence form will be completed.
3. Assistance to Police Investigations: It is mandatory that any employee, including owners, managers, assistant managers, and staff will reasonably cooperate with any police investigation, and the subsequent prosecution regarding arrests made on or relating to the premises resulting from a need to maintain the peace or public order, or resulting from a request by our establishment to investigate any potential criminal act.
4. Incidents of Criminal Trespass: During investigations and complaints of Criminal Trespass where the establishment is a victim, DrinX manager will act as a responsible party for the police department until an owner can be contacted.
5. Disorderly patrons: Disorderly patrons will be safely escorted from the establishment by the appropriate staff members. When off duty sworn police officers are employed, disorderly patrons will be turned over to them for disposition. Additionally, it will be the policy of DrinX to attempt to offer contacting alternative transportation, at the patron's expense, to help add to a safer environment.
6. Persons Under 21 Years of Age: Permittee agrees that a person under twenty-one (21) years of age will not be allowed on the premises where liquor is sold, dispensed or consumed unless:
 - a. The person is accompanied by a spouse, parent, or legal guardian who is at least twenty-one (21) or is an employee of the permittee, OR
 - b. The primary purpose of the premises is serving food, OR
 - c. The primary purpose of the premises is a patron participatory recreation activity limited to the minor's participation in any of the following sport activities bowling, golf, football, basketball.

17. Special Events

- i. All special events must be identified in writing for the upcoming year and submitted to the City for additional approval through the special events committee.

18. Enforcement of Security Plan by City of Scottsdale

- i. The Permittee agrees that successful execution and enforcement of this Plan are a requirement and condition of Scottsdale Use Permit. Termination, cancellation or non-approval of the Plan constitutes a breach of any condition requiring the existence of an approved Security Plan.
- ii. Violations of this Security Plan will be enforceable by City of Scottsdale Peace Officers and/or Code Enforcement employees.
- iii. Violation, amendment, revocation, as defined in Scottsdale City Zoning Code Sec. 1.402, of Conditional use permits which have been approved by the City Council shall be subject the following procedures and criteria regarding any violation, amendment or revocation.
 - 1. Violation. The violation of any condition imposed by the conditional use permit shall constitute a violation of this ordinance and shall be subject to the requirements of Section 1.1300.
 - 2. Amendment. Conditional uses shall be developed in conformance to the approved plans as determined by the Zoning Administrator. An amendment to a conditional use permit is required before implementation of any material change in the scope and nature of an approved conditional use, material change in any conditions or stipulations to a conditional use permit or material change in the physical size, placement or structure of the property subject to a conditional use permit. The Zoning Administrator shall have the discretion to determine if a proposed change warrants an amendment. An amendment must be approved as provided in Section 1.4 et seq. for the approval of conditional use permits.
- iv. Revocation of the Plan: The Zoning Administrator may recommend to the Board of Adjustments and the board may effect revocation of a conditional use permit pursuant to Section 1.807 of the Scottsdale Zoning Code for acts including but not limited to:
 - 1. A major violation of the plan
 - 2. Major violation of the conditions of the use permit
 - 3. Violation of Scottsdale ordinance or law
 - 4. Repeated acts of violence or disorderly conduct as reflected by police calls for service resulting in law enforcement intervention/arrests or for failure to report serious acts of violence.
 - 5. Failure of permittee to take reasonable steps to protect the safety of person entering, leaving, or remaining on premises when the permittee know or should have known of the danger to such person, or the Permittee fails to take reasonable steps to intervene by notifying law enforcement officials or otherwise to prevent or break up an act of violence or an altercation occurring on the premises or on premises utilized by patrons and employees of the permittee when the permittee know or reasonably should have known such acts of violence or altercations would occur.
 - 6. Any enlargement or expansion of the premises, plan of operation or program format without appropriate approval from Scottsdale.

7. Misrepresentations or material misstatements of the Permittee, its agents or employees.

v. Dissemination of the Security Plan

1. A copy of this Security Plan must be provided to each doorman and off-duty sworn law enforcement officer employed by the establishment, manager and assistant manager.
2. Each member required to receive a copy of this document will sign a receipt that they have read and understand this plan. This will be updated annually and when there are any changes.
3. A current copy of the plan will be maintained on the premises at all times and will be available upon request of any code enforcement officer or police officer.
4. Failure to conform to this plan will be considered a violation of the plan.

vi. Termination of the Plan: This plan may terminate on the date that the Permittee's Use Permit terminates, or two (2) years from the Security Plan's effective date, whichever comes first, unless otherwise provided herein.

vii. Meetings: Management of the Permittee shall arrange meetings with a representative of the Scottsdale Police Department regarding incidents of disorderly conduct, safety, identification verification and general security issues when deemed necessary by the District Commander or his representative.

III. Enclosures:

1. Parking Leases
2. DLLC Diagram

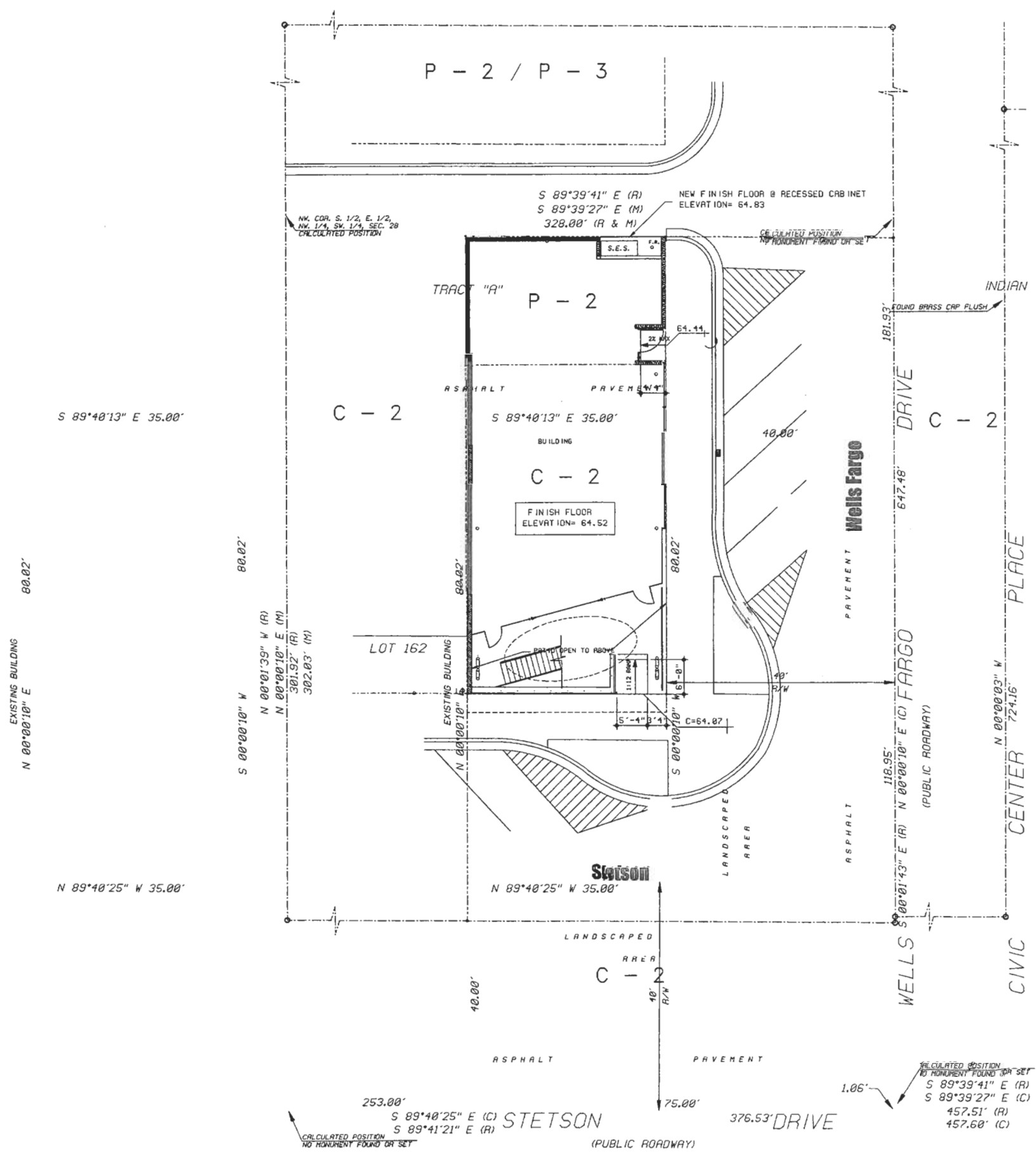
APPLICANT:

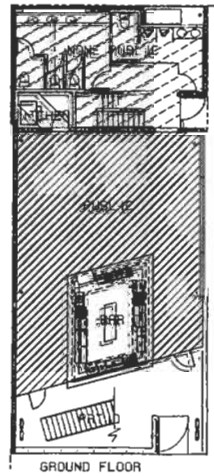
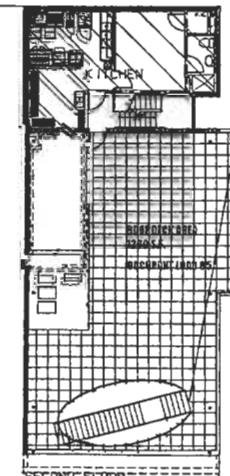
Steven A. Springborn, Managing Member
Scottsdale Entertainment Group, L.L.C.
Scottsdale Gas Lamp District Investments, L.L.C.
7330 East Stetson Drive
Scottsdale, Arizona 85251
May 1, 2005

APPROVED:

Scottsdale Police Department
3700 North 75th Street
Scottsdale, Arizona 85251
480-312-5000

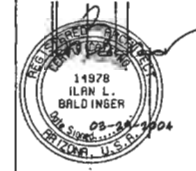
Police Fax: 480-312-7701



PROJECT DATA	FLOOR AREA CALCULATIONS
<p>EXISTING CONDITIONS</p> <p>ZONING C-2/ P-2 / P-3 PARCEL NO.: 173-41-088 NET LOT AREA 2800 S.F.</p> <p>BUILDING GROSS AREA: 2800 S.F. GROUND FLOOR AREA: 2245 S.F. SECOND FLOOR AREA: 555 S.F. OCCUPANCY: A-3 CONSTRUCTION TYPE: VN AFES</p> <p>FAR ALLOWABLE: 1 LOT AREA: 2800 S.F. GROSS BUILDING AREA: 2800 S.F. FAR PROVIDED: 1</p> <p>ALLOWABLE BUILDING HEIGHT: 36' PROPOSED BUILDING HEIGHT: 32' OPEN SPACE REQUIRED: N/A BUILDING FOOT PRINT = SITE</p> <p>EXISTING PROJECT SPACE ALLOCATIONS: KITCHEN: 604 S.F. BAR AREA: 285 S.F. PATIO AREA: 507 S.F. NEW ROOF DECK AREA: 1200 S.F.</p> <p>PARKING REQUIRED: BUILDING 2800 : 80 = 35 EXISTING PATIO : 507:200 = 2.5 NEW DECK 1200 : 200 = 6.4 TOTAL = 13.9</p> <p>PARKING PROVIDED: REMOTE PARKING = 12 P-3 CREDIT: = 6.78 TOTAL = 48.78</p>	<p>EXISTING CONDITIONS</p> <p>PROJECT SPACE ALLOCATIONS: KITCHEN: 604 S.F. BAR AREA: 285 S.F. NONE PUBLIC AREA: 453 S.F. PUBLIC AREA: 1160 S.F. PATIO AREA: 507 S.F.</p> <p>NEW OCCUPIED ROOF DECK AREA OCCUPIED AREA: 1200 S.F.</p> <div>  <p>GROUND FLOOR</p>  <p>SECOND FLOOR</p> </div>



7330 E. STETSON
 SCOTTSDALE, ARIZONA



PROJECT NUMBER: 02-020A
 DATE: 03-29-2004

SITE PLAN
 RECEIVED
 AUG 13 2005
 BY: [Signature]
 25-DR-2002
 A1.C

site plan

existing conditions

ATTACHMENT #9

